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Attorneys for Real Parties in Interest/Defendants
 CROWN CASTLE FIBER LLC AND VERIZON WIRELESS

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

STEPHEN KIRBY, an individual,

 Petitioner,

 vs.

CITY OF SAN MATEO, by and through the
 CITY COUNCIL OF THE CITY OF SAN
 MATEO; MATT FABRY, an individual, in
 his capacity as the Director of the Public
 Works Department of the City of San Mateo;
 and the SUSTAINABILITY &
 INFRASTRUCTURE COMMISSION OF
 THE CITY OF SAN MATEO,

Respondents,

CROWN CASTLE FIBER LLC, a New York
 limited liability company; and VERIZON
 WIRELESS,

Real Parties in Interest.

Case No. 3:25-cv-06165-MMC

Assigned for All Purposes to Hon. Maxine M.
 Chesney

**JOINT STIPULATION REGARDING
 EXTENSION OF TIME FOR DEFENDANTS
 TO FILE THEIR RESPONSIVE PLEADINGS;
 [PROPOSED] ORDER**

*[Removed from the Superior Court of the State of
 California, County of San Mateo (Case No. 25-
 CIV-04679)]*

Complaint Filed: June 20, 2025
 Trial: TBD

Pursuant to Civil Local Rules 6-2 and 7-12, the parties jointly submit this stipulation requesting that the Court extend Defendants' deadline to file their responsive pleadings to Plaintiff's Verified Petition for Writ of Mandate until ten (10) days after the Court rules on Plaintiff's forthcoming motion to remand. Defendants' current deadline to file responsive pleadings is July 29, 2025. The parties make this stipulation conditional on Plaintiff filing his motion for remand by August 6, 2025. If Plaintiff does not file a motion to remand by August 6, 2025, the parties stipulate that Defendants' deadline to file their responsive pleadings will be August 12, 2025.

As grounds for the extension, the parties state as follows:

1. On June 20, 2025, Plaintiff Stephen Kirby filed a *Verified Petition for Writ of Mandate* in San Mateo Superior Court. Plaintiff served Defendant Crown Castle Fiber LLC ("Crown Castle") on June 24, 2025.

2. On July 22, 2025, Defendants Crown Castle and Verizon Wireless ("Verizon"), with the assent of Defendant City of San Mateo¹ (the "City" or "San Mateo"), filed a *Notice of Removal*, removing the case to this Court to address substantial federal questions. Pursuant to Fed. R. Civ. P. 81, the current deadline for Defendants to file a responsive pleading is July 29, 2025.

3. The parties conferred on July 23 and July 24, 2025 to discuss economizing the motion practice surrounding Plaintiff's expected motion to remand and Defendants' Crown Castle's and Verizon's expected motion to dismiss so as to reduce unnecessary work, costs to clients, and burden on the Court. The parties agreed it would be efficient to stay the filing of any responsive pleadings until after the Court determines the threshold question of jurisdiction, provided Plaintiff timely files his expected motion to remand.

4. The filing of a motion to remand will result in the Court, in due course, issuing a ruling on the Court's subject matter jurisdiction over the two causes of action in the Complaint.

5. If the Court orders remand of the Complaint, the Court would no longer have jurisdiction.

¹ Defendant City of San Mateo was sued by and through the City Council of the City of San Mateo, Matt Fabry, an individual, in his capacity as Director of the Public Works Department of the City of San Mateo, and the Sustainability & Infrastructure Commission of the City of San Mateo.

6. It will be inefficient for the parties to prepare and file motions to dismiss, oppositions, and replies before the Court rules on jurisdiction.

Therefore, for good cause, the parties stipulate as follows:

1. Defendants' deadline to file their responsive pleadings is extended to be due 10 days after the Court rules on Plaintiff's expected motion for remand, if the Court retains jurisdiction;

2. Plaintiff shall file a motion for remand no later than August 6, 2025; and

3. If Plaintiff does not file a motion for remand by August 6, 2025, Plaintiff agrees to extend Defendants' deadline to file their responsive pleadings until August 12, 2025.

This is the parties' first request for an extension of time in this case. The requested modification of time should not have any impact on the schedule of the case which is in its infancy and was only recently assigned to this Court. The parties agree that no party will be prejudiced by this extension.

WHEREFORE, for the foregoing reasons, the parties respectfully and jointly stipulate to extend the deadline for Defendants to file their responsive pleadings until 10 days after the Court rules on Plaintiff's motion to remand, provided Plaintiff files such motion no later than August 6, 2025, and if Plaintiff does not file the motion for remand by that date, the Parties stipulate that Defendants' deadline to file their responsive pleadings shall be August 12, 2025.

Dated: July 28, 2025

Respectfully submitted,

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO, P.C.

/s/ Paige E. Adaskaveg

Paige E. Adaskaveg
Thomas Scott Thompson (*Pro Hac Vice forthcoming*)
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CROWN CASTLE FIBER LLC and GTE
MOBILNET OF CALIFORNIA LIMITED
PARTNERSHIP d/b/a VERIZON WIRELESS

COLANTUONO, HIGHSMITH & WHATLEY, PC

/s/ Robert C. May III

Robert C. May III

Attorney for Respondent/Defendants CITY OF SAN
MATEO, by and through the CITY COUNCIL OF
THE CITY OF SAN MATEO; MATT FABRY, an
individual, in his capacity as the Director of the
Public Works Department of the City of San Mateo;
and the SUSTAINABILITY & INFRASTRUCTURE
COMMISSION OF THE CITY OF SAN MATEO

LAW OFFICE OF ARIEL STRAUSS

/s/ Ariel Strauss

Ariel Strauss

Attorney for Plaintiff/Petitioner STEPHEN KIRBY

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 STEPHEN KIRBY, an individual,

5 Petitioner,

6 vs.
7

8 CITY OF SAN MATEO, by and through the
9 CITY COUNCIL OF THE CITY OF SAN
10 MATEO; MATT FABRY, an individual, in
11 his capacity as the Director of the Public
12 Works Department of the City of San Mateo;
13 and the SUSTAINABILITY &
14 INFRASTRUCTURE COMMISSION OF
15 THE CITY OF SAN MATEO,

16 Respondents,
17

18 CROWN CASTLE FIBER LLC, a New York
19 limited liability company; and VERIZON
20 WIRELESS,
21

22 Real Parties in Interest.
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Case No. 3:25-cv-06165-MMC

[PROPOSED] ORDER

*[Removed from the Superior Court of the State of
California, County of San Mateo (Case No. 25-
CIV-04679)]*

Complaint Filed: June 20, 2025
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, the due date concerning Defendants' responsive pleadings, currently due July 29, 2025 pursuant to Fed. R. Civ. P. 81, is hereby extended as follows:

A. Defendants' responsive pleadings will be due 10 days after the Court rules on Plaintiff's motion for remand.

B. Plaintiff will file his motion for remand, if any, no later than August 6, 2025.

C. In the event that Plaintiff fails to file a motion for remand by August 6, 2025, Defendants' deadline for filing their responsive pleadings will be August 12, 2025.

IT IS SO ORDERED:

Dated: _____, 2025

HON. MAXINE M. CHESNEY
U.S. DISTRICT JUDGE